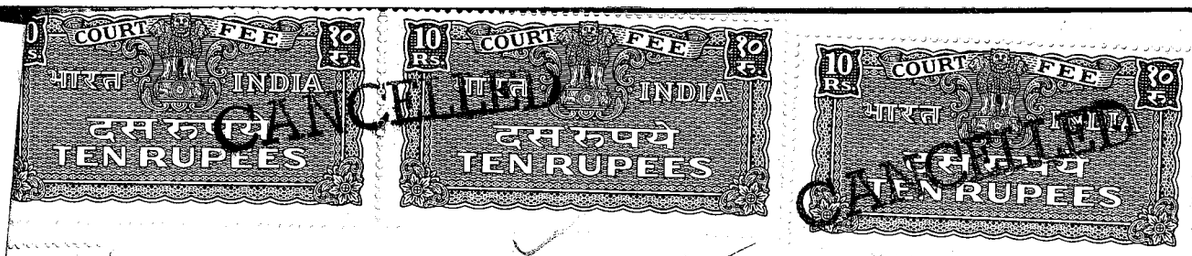

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION NO. 910 OF 2001

PETITIONER : Rajendra Kumar
son of Sundar Lal, aged 31 years
resident of Avenue E, Qr.No.10-D
Sector.6, Bhilai,
District-Durg (C.G)

VERSUS

RESPONDENTS : 1. Ferro Scrap Nigam Limited
(A Govt. of India Undertaking)
Post Box No.37,
Equipment Chowk, Central Avenue
Bhilai-490 001,
Dist.Durg
through Assistant General Manager,
Ferro Scrap Nigam Limited.

2. State Industrial Court Bench,
Raipur,
Raipur (C.G)

P. R. No. 915/Sct
Presented by Shri Dhananjay Sharma
dated 23.5.2001

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI MANDAMUS PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 910/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.9.2001 :

Shri Ashish Shrivastava for the petitioner.

Mr.P.S.Koshi for the respondents.

The Writ petitioner is serving at Bhilai. By order issued on 27.4.2001 the petitioner was directed to go on transfer from Bhilai to Bokaro. No time was given for joining. The petitioner thereafter approached this Court by filing the present writ petition. According to Mr.Koshi in fact he was given a week's time to report on duty. Be that as it may, some protection was allowed by this Court. In view of certain orders of stay passed in favour of the writ petitioner he continued at Bhilai. However, as the order of stay was vacated by the State Industrial Tribunal at Raipur on 15.5.2001. Thereafter, the writ petitioner approached this Court. This Court passed the order of status-quo. That is how the writ petitioner contends that he is still continuing at Bhilai. As regards merits of the case, Shri Shrivastava submits that the order of transfer was issued malafide in as much as the writ petitioner was not even allowed sufficient time to make arrangement to proceed to Bokaro. It is not the case of the writ petitioner that he is otherwise holding a non transferable post. May be Bhilai is a better place preferred

[पीछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित	..2.. आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

by the writ petitioner but that may not be a ground for him to continue to stay at Bhilai. It seems that petitioner has been at Bhilai for some years. Mr. Shrivastava prays for time to unable the petitioner to ~~let himself~~ come before this Court. It appears that no difference can be made by personal appearance of the writ petitioner who is represented by a competent lawyer before this Court. It is submitted by Mr.Shrivastava that the writ petitioner has minor school-going children.Mr. Koshi submits that in fact the order of transfer was issued in the month of April and therefore it was a good time for the writ petitioner to make necessary arrangements. The writ petitioner according to Mr.Koshi ought to have made representation at that time. Mr.Shrivastava submits that that order of transfer as well as the order of release were communicated on the same date. Mr.Koshi on the other hand states that the order of transfer was issued on 27.4.2001 and the order of release was issued on 30.4.2001 on which date the two orders were furnished to the writ petitioner. According to Mr.Shrivastava this fact on the part of the competent authority amounts to malafide, in as much as he has absolutely no time to make any representation. I think that difficulty is already over. Mr.Shrivastava submits that it would be fair that the writ petitioner is still permitted by this court to make representation before the competent authority.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

..3..

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	After examining the facts and circumstances of the present case I am of the view that no useful purpose will be served by allowing the writ petitioner to make representation after a lapse of about 4 and 1/2 months from the date of issuance of the order of transfer. However, it would still be fair that some time is allowed to the writ petitioner to proceed to the place of posting at Bokaro. In my view the order of transfer can not be resisted validly by the writ petitioner. In the result this petition is disposed of with a direction that the petitioner shall be allowed to report on duty at Bokaro by 1-10-2001. I shall make it clear that the service conditions with respect to the seniority, pay-scale etc. shall be maintained and the writ petitioner shall be entitled to TA and DA as permissible under the Rules. In view of the above order the contempt petition No.32/2001 is also disposed of. CC Sd/- Chief Justice	

J

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